

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KENNETH STIMMEL,

Case No. 23- -NO  
Hon.

Plaintiff,

v.

WAYNE COUNTY  
SHERIFF'S OFFICE,  
THE ANDREW C. BAIRD  
DETENTION FACILITY,  
WAYNE COUNTY JAIL  
DIVISION 1, and  
JOHN DOE,

Defendants.

THE MARK SISSON LAW FIRM, PLLC  
MARK E. SISSON (P75250)  
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**COMPLAINT**

**NOW COMES** the above-named Plaintiff, by and through his counsel, THE MARK SISSON LAW FIRM, PLLC, and for his Complaint against the Defendants, states as follows:

**JURISDICTION AND VENUE**

1. This is an action by Plaintiff to enforce his civil rights protected by Constitution of the United States as well as the Americans With Disabilities Act, as amended, 42 USC §12101, et seq.

2. Jurisdiction is conferred by 28 U.S.C. §1331, as to Plaintiff's federal law claims.

3. The Court has supplemental jurisdiction of Plaintiff's state law claims pursuant to 13 U.S.C. 1367(a).

4. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)(2) as all of the events giving rise to this cause of action occurred in the Eastern District of Michigan.

5. Plaintiff has exhausted all of his administrative remedies before filing this complaint.

### **PARTIES**

6. Plaintiff KENNETH STIMMEL at all times relevant was confined by the Wayne County Sheriff's Office at The Andrew C. Baird Detention Facility, Wayne County Jail Division 1, located in Detroit, Michigan.

7. Defendant Wayne County Sheriff's Office is a governmental agency created pursuant to the laws of the State of Michigan, and currently administers and operates the facility at The Andrew C. Baird Detention Facility, Wayne County Jail Division 1.

8. Defendant John Doe is an employee of The Andrew C. Baird Detention Facility, Wayne County Jail Division 1.

### **FACTS**

9. August 1, 2022 Plaintiff KENNETH STIMMEL was arrested and brought to The Andrew C. Baird Detention Facility, Wayne County Jail Division 1.

10. Plaintiff has diabetes and schizophrenia and requires insulin and psychotropic medication to manage his conditions.

11. Plaintiff was denied proper administration of his medication by Defendant John Doe throughout his time as an inmate.

12. Plaintiff was bailed out by his family on August 7, 2022 because of fears that he would continue to be denied his medication.

13. Plaintiff was taken to St. Joseph Mercy Hospital in Ann Arbor, Michigan where he was admitted for 5 days to treat his injuries that resulted from being denied insulin.

14. Upon arrival at St. Joseph Mercy Hospital, Plaintiff was in a diabetic ketoacidosis (DKA) state.

15. Plaintiff was hyperglycemic with an initial blood glucose reading of 473.

16. Plaintiff complained of epigastric abdominal pain.

17. Plaintiff was suffering from nonbloody emesis upon arrival at the hospital.

18. Plaintiff was suffering from tachycardia with a pulse rate of 119 bpm.

19. Plaintiff's blood pressure was extremely high at 152/92.

20. Plaintiff was exhibiting Kussmaul breathing, deep and labored breathing indicative of diabetic ketoacidosis.

21. Plaintiff was started on 2 L of fluid and an insulin drip at the hospital.

22. Plaintiff reported feeling helpless and experiencing passive suicidal ideation as a result of being denied his medication.

23. The denial of insulin was the proximate cause of Plaintiff's increased pain and suffering and resulted in injuries including but not limited to diabetic ketoacidosis, hyperglycemia, epigastric abdominal pain, tachycardia, hypertension, labored breathing, blurred vision, loss of feeling in his feet, chest pain, and muscle cramps.

### **COUNT I** **CONSTITUTIONAL VIOLATIONS**

24. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

25. The actions and/or omissions of the employees of Wayne County Sheriff's Office and The Andrew C. Baird Detention Facility, Wayne County Jail Division 1 and John Doe as

described above constitute an unreasonable use of force in violation of the Fourth Amendment to the United States Constitution.

26. The Civil Rights Act, 42 USC §1983, provides for civil liability for the deprivation of any right, privilege or immunity secured by the Constitution of the United States when said deprivation is committed under the color or law and in accordance with governmental custom and policy.

27. The rights at issue were clearly established at the time of the Constitutional violations, and any reasonable officer of the state should have been aware of Plaintiffs rights and should have recognized his actions violated said rights.

**COUNT II**  
**VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT**  
**(U.S.C. §12132)**

28. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

29. By the actions of the Defendants Wayne County Sheriff's Office and The Andrew C. Baird Detention Facility, Wayne County Jail Division 1 and John Doe as described above, Plaintiff has, by reason of such disability, been subjected to discrimination by a public entity, in violation of Title II of the ADA, 42 U.S.C. §12132.

30. The claims under the ADA are brought against Defendants Wayne County Sheriff's Office and The Andrew C. Baird Detention Facility, Wayne County Jail Division 1 and John Doe as a department, agency, or instrumentality of the State of Michigan.

31. Defendants Wayne County Sheriff's Office and The Andrew C. Baird Detention Facility, Wayne County Jail Division 1 are a "public entity" within the meaning of 42 U.S.C. § 12131(1)(B).

32. Plaintiff is a “qualified individual with a disability” within the meaning of Title II of the ADA, 42 U.S.C. § 12131(2).

33. Defendants Wayne County Sheriff’s Office and The Andrew C. Baird Detention Facility, Wayne County Jail Division 1 and John Doe acted in willful disregard of Plaintiff’s rights and failed to provide reasonable accommodations to Plaintiff after he sustained serious injury.

34. Because the ADA explicitly abrogates Eleventh amendment immunity, Defendants Wayne County Sheriff’s Office and The Andrew C. Baird Detention Facility and John Doe, Wayne County Jail Division 1 cannot claim immunity in this matter.

35. As a result of Defendants Wayne County Sheriff’s Office and The Andrew C. Baird Detention Facility, Wayne County Jail Division 1 and John Doe acts and omissions, Plaintiff experienced and continues to experience exacerbation of his diabetes symptoms.

### **DAMAGES**

36. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

37. Plaintiff suffered serious and severe injuries including, but not limited to diabetic ketoacidosis, hyperglycemia, epigastric abdominal pain, tachycardia, hypertension, labored breathing, blurred vision, loss of feeling in his feet, chest pain, muscle cramps, and other painful and debilitating injuries that that have affected his ability to lead his everyday normal life.

38. Plaintiff has been forced to undergo medical treatment and will continue to undergo medical treatment in the future.

39. Plaintiff has suffered the above described physical pain and suffering as well as mental anguish, fright and shock, denial of social pleasure and enjoyment and embarrassment, humiliation and mortification, all of which are serious, permanent and disabling.

40. Plaintiff is entitled to compensatory as well as punitive damages, costs and attorney fees.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court grant Judgment in favor of Plaintiff and against Defendants in an amount the Court or jury deems just and fair, plus interest, costs and attorney fees.

Respectfully submitted,  
THE MARK SISSON LAW FIRM, PLLC

/s/ Mark E. Sisson  
THE MARK SISSON LAW FIRM  
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**Proof of Service**

The undersigned certifies that the foregoing instrument was served upon the attorneys of record of all parties to the above cause by mailing same to them at their respective addresses (and/or facsimile numbers) as disclosed by the pleadings of record herein, on February 2, 2023. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

<input type="checkbox"/> U. S. Mail	<input type="checkbox"/> Facsimile
<input type="checkbox"/> Hand Delivered	<input type="checkbox"/> UPS
<input type="checkbox"/> Airborne Next Day Delivery	X E-filing

Signature Alex N. Dupuis  
Alex N. Dupuis

